

§ 1188.2

49 CFR Ch. X (10–1–97 Edition)

(1) The annual gross operating revenues of any carrier which sold or otherwise disposed of any portion of its operating rights or which began new operations or extended existing operations subsequent to the end of the preceding calendar year; and

(2) The reported annual gross operating revenues of the other carriers involved in the transaction for the preceding calendar year aggregates more than \$2 million.

§ 1188.2 Deduction of revenues from sources other than regulated transportation.

(a) In determining whether a proposed transaction is subject to the provisions of 49 U.S.C. 11343, applicant motor carriers and their affiliate motor carriers must select the same 12-month period and indicate the 12-month period selected, as provided in § 1188.1, and must disclose the gross revenues received by each such carrier during the critical period selected and

the revenues derived from sources other than transportation subject to subchapter II of chapter 105 of the Act. Such latter revenues may be deducted from the gross revenues for the purpose of determining jurisdiction.

(b) Applicants shall show the amounts which they claim should be deducted, the sources from which the revenues were derived, and the circumstances under which transportation performed is claimed not to have been subject to subchapter II of chapter 105 of the Act, in transfer proceedings under 49 CFR part 1181 or in support of a motion for dismissal of proceedings under 49 CFR part 1182 or 1186.

(c) Applicants shall not be required to show that the revenues computed under § 1188.1 were derived from transportation subject to subchapter II of chapter 105 of the Act.

PARTS 1189–1199 [RESERVED]